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10/519,840

07/01/2005

Hendrikus Markus Veltman

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06/01/2009

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EXAMINER

ROBERTS, JESSICA M

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

06/01/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/519,840 | Applicant(s) VELTMAN ET AL. | |
| | Examiner JESSICA ROBERTS | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Koto et al., JP-09-247670.

As to **claim 1**, Koto teaches An encoding apparatus for executing an encoding process with an encoding system capable of treating at least B-pictures as pictures for inter-prediction-encoding, the encoding apparatus comprising: timing calculation means (In the packet-zing treating part 33, and 34-1-34-n, packet-zing , calculation of a time stamp, section of the order of multiplexing, etc, are4 made using these side information, [0022]) for, anticipating that a plurality of encoded information created by performing the encoding process ([0018], [0041] and fig. 1 elements 15 and 16) will be sequentially decoded on a decoding side (DTS: decoding time stamp, [0026]), calculating output timing for results of decoding the encoded information (PTS: presentation time stamp, [0026]); and timing notification means for notifying said decoding side of output timing calculated by said timing calculation means before a result of decoding corresponding encoded information is obtained ([0034]).

As to **claim 2**, Koto teaches the encoding apparatus according to claim 1, wherein said timing calculation means (In the packet-zing treating part 33, and 34-1-34-n, packet-zing, calculation of a time stamp, section of the order of multiplexing, etc, are made using these side information, [0022]) calculates the output timing for the results of decoding the encoded information (PTS) so as to immediately output a result of decoding encoded information having a longest period of time out of periods of time after the encoding process is started until encoded information is outputted.

As to **claim 3**, see the rejection and analysis made in **claim 1**, except this is a method claim to the apparatus of **claim 1**. Thus the rejection and analysis made for claim also applies.

As to **claim 4**, see the rejection and analysis made in **claim 2**, except this is a method claim to the apparatus of **claim 2**. Thus the rejection and analysis made for claim also applies.

3. Claim 5, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shigeru et al., JP-149464.

As to **claim 5**, Shigeru teaches A decoding apparatus for executing a decoding process on a plurality of encoded information encoded with an encoding system capable of at least B-pictures for inter-prediction-encoding, said decoding apparatus

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comprising: storage means for temporarily storing restored image information sequentially created by the decoding process ([0007], fig. 4 elements 60, 72-74, and fig. 1 elements 60, 72-74); and output control means for controlling output of the restored image information stored in said storage means (Shigeru teaches where the frame memory reading-and-writing control section 64 controls a reproduced image output [0022] and fig. 4 element 64), wherein said output control means ([0022] and fig. 4 element 64), when restored image information (figs. 4, 1 elements 60) to be stored in said storage means (figs. 4, 1 elements 72-74) is failed, re-outputs restored image information outputted just before the failure ([0023]).

As to **claim 8**, see the rejection and analysis made in **claim 5**, except this is a method claim to the apparatus of **claim 5**. Thus the rejection and analysis made for claim also applies.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeru et al. JP-8-149464 in view of Masuo et al., JP-9-9258.

As to **claim 6**, Shigeru is silent in regards to the decoding apparatus according to claim 5, wherein: said storage means temporarily stores each piece of the encoded information and said output control means ignores a decoding start time set for first encoded information stored in said storage means, immediately starts decoding of the first encoded information and, when a failure occurs, offsets a lag from the decoding start time occurred due to the ignorance, by re-outputting restored image information outputted just before the failure.

However, Masuo teaches said storage means temporally stores each piece of the encoded information ([0027] and fig. 6) and said output control means ignores a decoding start time set for first encoded information in said storage means ([0026, [0030]]), immediately starts decoding the first time occurred due to the ignorance, by re-outputting restored image information outputted just before the failure ([0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Masuo with Shigeru for providing improved image quality.

As to **claim 7**, Shigeru is silent in regards to the decoding apparatus according to claim 5, wherein: said storage means temporarily stores each piece of the encoded information: and said output control means, when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order.

However, Masuo teaches said storage means temporarily stores each piece of the encoded information ([0027] and fig. 6); and said output control means, when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order ([0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Masuo with Shigeru for providing improved image quality.

As to **claim 9**, see there rejection and analysis for claim 6, except this is claim to a method with the same limitation as the apparatus of claim 6. Thus the rejection and analysis made for claim 6 also applies here.

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As to **claim 10**, see the rejection and analysis made in **claim 7**, except this is method claim to the apparatus of claim 7. Thus the rejection and analysis made for claim 7 also applies here.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA ROBERTS whose telephone number is (571)270-1821. The examiner can normally be reached on 7:30-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Jessica Roberts/
Examiner, Art Unit 2621